

REMARKS

Claims 12-19, 21 and 22 were rejected under 35 U.S.C. §102(e) over Bao et al. ('630). Claim 12 has been modified to clearly avoid this reference. In each of the optional steps of claim 12, a shape is created which is "substantially larger than the cross-sectional area of the defect," thereby *covering* it. Bao et al., in distinctive contrast, is concerned with sealing apertures within the body utilizing some form of porous, expandable plug. Attached herewith is a response to an Office Action submitted during the prosecution of the Bao et al. '630 patent, wherein applicant's representatives states in no uncertain terms that "the present invention, in contrast, is instead concerned with sealing (not *covering*) apertures within the body, and only secondarily, if at all, with filling internal cavities such as those found within the disc nucleus." (emphasis in original). Thus, anticipation is avoided.

Claim 20 stands rejected under 35 U.S.C. §103(a) over Bao et al. ('630). Claim 20 includes a limitation of a flexible screen comprising titanium. However, among other reasons, given that titanium does not expand or imbibe water to form a plug that seals a hole, *prima facie* obviousness has not been established.

Based upon the foregoing amendments and comments, Applicant believes all claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

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